

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 CATHERINE CHILTON,

10 Plaintiff,

11 v.

12 VEST SEATTLE, LLC,

13 Defendant.  
14

CASE NO. C19-0278-JCC

ORDER

15 This matter comes before the Court on Plaintiff's motion to remand to state court or  
16 dismiss (Dkt. No. 8). Having thoroughly considered the parties' briefing and the relevant record,  
17 the Court hereby GRANTS the motion for the reasons explained herein.

18 Plaintiff Catherine Chilton brought this employment action against Defendant Vest  
19 Seattle, LLC in Snohomish County Superior Court, alleging that Smokey Point Behavioral  
20 Hospital, which is operated by Defendant, wrongfully terminated her after she made complaints  
21 about the hospital being understaffed. (Dkt. No. 1-1 at 7-8.) Defendant removed the action to  
22 this Court on the basis of diversity jurisdiction. (Dkt. No. 1 at 1.) Plaintiff subsequently filed the  
23 instant motion to remand, alleging a lack of diversity between the parties. (Dkt. No. 8.)  
24 Defendant has failed to file a response to the instant motion, which the Court construes as an  
25 admission that the motion has merit. *See* W.D. Wash. Local Civ. R. 7(b)(2).

26 Additionally, the Court notes that neither the complaint nor the notice of removal meet

1 the burden of showing the citizenship of Defendant, a limited liability company. (See Dkt. Nos.  
2 1, 1-1.) The removing party has the burden of establishing the court's subject matter jurisdiction.  
3 See *Lindley Contours, LLC v. AABB Fitness Holdings, Inc.*, 414 Fed. App'x. 62, 64 (9th Cir.  
4 2011). "For purposes of diversity jurisdiction, a limited liability company 'is a citizen of every  
5 state of which its owners/members are citizens.'" *3123 SMB LLC v. Horn*, 880 F.3d 461, 465  
6 (9th Cir. 2018) (citing *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899 (9th Cir.  
7 2006)). Defendant has not met its burden of establishing the Court's subject matter jurisdiction in  
8 this case, as the notice of removal fails to both list the members or owners of Defendant and  
9 provide their citizenship. (Dkt. No. 1.)

10 For the foregoing reasons, Plaintiff's motion to remand to state court or dismiss (Dkt. No.  
11 8) is GRANTED. The Clerk is DIRECTED to remand this action to Snohomish County Superior  
12 Court.

13 DATED this 5th day of April 2019.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE